

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15817 of 2001

Dated: 10.08.2006

Between

B.Jeevarathnam Naidu

.....Petitioner

and

1. The Deputy Registrar /Officer on
Special Duty, The Chittoor District
Co-op., Central Bank Ltd.,
Chittoor, Chittoor District and others.

.....Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15817 of 2001

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings of the 1st respondent in EP No.1984/94-95 dated 29.6.2001 as arbitrary and illegal.

Under the impugned proceedings, the sale effected pursuant to the EP proceedings was confirmed and the balance of amount was returned to the petitioner.

It is the case of the petitioner that he borrowed an amount of Rs.79,900/- in several instalments for the purpose of erection of poultry farm. He has discharged a portion of the loan amount and remitted a sum of Rs.4,000/- on 24.6.1994 and subsequently, Rs.4,000/- and Rs.500/-. The said payments were not accounted by the 2nd respondent.

It appears that the petitioner fell in due in paying the amounts. Therefore, the respondents have initiated proceedings under Section 61 of the AP Cooperative Societies Act and obtained certificate under Section 71 of the Act. Aggrieved by the same, the petitioner earlier filed CTA No. 85 of 1995 before the Tribunal and the same was dismissed. Thereafter, the auction was conducted and the same was confirmed in the impugned proceedings dated 29.6.2001.

It is the contention of the learned counsel for the petitioner that arbitration proceedings were passed without issuing

proper notice and also no notice was issued before issuing Section 71 certificate in favour of the 2nd respondent society. Such argument is not available since the Section 71 certificate attained finality in CTA No. 85 of 1995 before Cooperative Tribunal.

Even against the impugned proceedings, an appeal under Section 76 of the AP Cooperative Societies Act is available. Apart from looking into the records, evidence may also be necessary to be let in. Therefore, it is not appropriate for this court to take up the issue and decide under Article 226 of the Constitution of India. Therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. It is always open for the petitioner to approach the Cooperative Tribunal and work out his remedies as available under law.

10.08.2006

Note:
Issue CC by one week
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